IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 8TH FEBRUARY 2007 / 19TH MAGHA 1928

OP.No. 10596 of 2002(J)

PETITIONER:

M.D.BAIJU, BAIJU BHAVAN,
VAZHAPPALLY P.O., CHANGANASSERRY, KOTTAYAM DIST.

BY ADV. SRI.K.REGHU KOTTAPPURAM

RESPONDENTS:
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1. THE SECRETARY TO GOVERNMENT,
TAXES (G) DEPARTMENT, STATE OF KERALA,
THIRUVANANTHAPURAM.

2. THE ASSISTANT EXCISE COMMISSIONER,
KOTTAYAM.

3. THE DISTRICT COLLECTOR, KOTTAYAM.

BY GOVERNMENT PLEADER SMT.SMITHA

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 08/02/2007, THE COURT ON 08/02/2007 DELIVERED THE FOLLOWING:

ORDER ON C.M.P. NO.18696/2002 IN O.P. NO.10596/2002\

DISMISSED:

8.2.2007 SD/-(C.N.RAMACHANDRAN NAIR, JUDGE.)

APPENDIX

PETITIONER'S EXHIBITS:

P1: TRUE COPY OF CHAPTER IV, CONTAINING GENERAL CONDITIONS OF ABKARI SHOPS DISPOSAL RULES 2002.

P2: TRUE COPY OF CERTIFICATE OF CHEMICAL ANALYSIS DT.6.7.99.

P3: TRUE COPY OF ABKARI SHOPS(DISPOSAL IN AUCTION)AMENDED RULE 2000.

P4: TRUE COPY OF JUDGMENT DT.30.4.98 IN W.A. NO.825/98.

P5: TRUE COPY OF INTERIM ORDER DT.19.1.2000 IN C.M.P. NO.29794/99 IN O.P. NO.18155/99.

P6: TRUE COPY OF INTERIM ORDER DT.20.8.2001 IN C.M.P. NO.40455/2001 IN O.P. NO.24755/2001.

TRUE COPY

P.S. TO JUDGE

C.N.RAMACHANDRAN NAIR, J.

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O.P. No.10596 of 2002

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Dated this the 8th day of February, 2007.

JUDGMENT

The allegation against the petitioner is excess percentage of alcohol found in toddy. No concrete steps are taken either for prosecution or cancellation of licence. The issue is now covered by decision of the Supreme Court in STATE OF KERALA V. UNNI (2007(1) KLT 151). The O.P. is therefore disposed of directing the respondents to take action, if any contemplated, following the judgment of the Supreme Court.

C.N.RAMACHANDRAN NAIR
Judge

pms